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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,274	01/30/2004	Richard R. Green	013208.0133PTUS	7874
24283	7590	11/12/2008		
PATTON BOGGS LLP 1801 CALIFORNIA STREET SUITE 4900 DENVER, CO 80202			EXAMINER TURCHEN, JAMES R	
			ART UNIT	PAPER NUMBER
			2439	
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			11/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/769,274	Applicant(s) GREEN ET AL.	
	Examiner JAMES TURCHEN	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-6 are pending. Claims 1, 2, 4 and 5 are amended.

Response to Arguments

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gammie in view of Spencer et al. (US 2003/0014630; hereafter Spencer) and Bilbrey.

Regarding claims 1, 2, 4, and 5:

Gammie discloses a wireless interface for Removable Digital Content Security Devices for delivering a stream of decrypted program content to a plurality of consumer electronics devices, comprising:

security device means, removably connected to a first consumer electronics device, for receiving a stream of encrypted program content from a source [*figure 5, decoder 506 receives encrypted program content through satellite link 505; output 509 will be inherently removably (as the user can disconnect the satellite receiver/decoder at any given time) connected to a TV, VCR, etc.*];

decryption means, located in said security device means, for converting said received encrypted program content to decrypted program content which is available to said first consumer electronics device [*column 6 lines 26-30, program descrambler 508 reads the decrypted program content (column 6 lines 26-30, program descrambler 508 reads the decrypted key and uses the key to descramble and output descrambled program); 508 is located within decoder 506*];

Gammie does not disclose an identification means, located in said security device means, for automatically discovering the presence of a second consumer electronic device not connected to said security device means or said first consumer device, which discovered second consumer electronic device is capable of receiving said decrypted program content; a link management means for automatically establishing a wireless communication link from said security device means to said discovered second consumer electronic device, or a wireless transmitter means for wirelessly transmitting said decrypted program content to at least one other consumer electronics device; authentication means for authenticating said discovered second consumer electronic device; wireless transmitter means for wirelessly transmitting said decrypted program content to said second consumer electronics device. Bilbrey discloses a portable video playback device that is adapted to receive compressed video data via an antenna and RF receiver [*paragraph 34; it is inherent that an RF transmitter is paired with an RF receiver*]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system and method of Gammie with the wireless transmitting and receiving of Bilbrey in order to reproduce compressed video

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information by a portable device [*paragraph 4*]. Gammie and Bilbrey do not disclose discovering the presence of at least one other consumer electronics device, establishing the wireless communication link, or authentication means for authenticating said discovered second consumer electronic device. Spencer discloses authenticating a playback device upon connection [*paragraph 78*]. 802.11 protocols were well known in the art at the time of invention (specifically 802.11a and 802.11b). Examiner takes official notice that 802.11 was well known in the art at the time of invention and that 802.11 wireless routers broadcast their SSID's and wireless enabled user devices discover the wireless networks and if a user decides to connect to the router via wireless enabled user device, the router and wireless enabled user device set up a communication link. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method and system for wirelessly transmitting and receiving digital content disclosed by Bilbrey with the well known methods of the 802.11 protocols in order to provide over-the-air modulation techniques using a basic protocol. All the claimed elements were known in the prior art and it would have been obvious to one skilled in the art to combine the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of invention.

Regarding claims 3 and 6:

It is inherent that an RF transmitter and receiver use the same link layer and physical protocols [*protocol as defined by Encarta dictionary is a set of technical rules for the transmission and receipt of information between computers; thus there must be a*

protocol between the two devices or else the devices will not be able to communicate properly].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES TURCHEN whose telephone number is (571)270-1378. The examiner can normally be reached on MTWRF 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRT

/Kambiz Zand/
Supervisory Patent Examiner, Art Unit 2434